

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

March 18, 2004

IN RE:

**TENNESSEE COALITION OF RURAL INCUMBENT
TELEPHONE COMPANIES AND COOPERATIVES
REQUEST FOR SUSPENSION OF WIRELINE TO
WIRELESS NUMBER PORTABILITY OBLIGATIONS
PURSUANT TO SECTION 251(F)(2) OF THE
COMMUNICATIONS ACT OF 1934, AS AMENDED**

**DOCKET NO.
03-00633**

**ORDER REQUIRING THE TENNESSEE COALITION
TO AMEND ITS PETITION AND APPOINTING HEARING OFFICER**

This matter came before Chairman Deborah Taylor Tate, Director Sara Kyle and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on February 23, 2004, upon the *Petition for Suspension* ("*Petition*") filed by the Tennessee Coalition of Rural Incumbent Telephone Companies and Cooperatives ("Tennessee Coalition") requesting suspension of wireline to wireless number portability obligations pursuant to Section 251(f)(2) of the Communications Act of 1934, as amended.

Background

On November 10, 2003, the Federal Communications Commission ("FCC") issued its *Memorandum Opinion and Order* ("*Order*") in CC Docket No. 95-116 regarding wireline-to-wireless number portability. The FCC *Order* concludes that, as of November 24, 2003, local exchange carriers providing service within the Nation's 100 largest Metropolitan Statistical

Areas ("MSAs") "must port numbers to wireless carriers where the requesting wireless carrier's 'coverage area' overlaps the geographic location of the rate center in which the customer's wireline number is provisioned, provided that the porting-in carrier maintains the number's original rate center designation following the port."¹ On January 16, 2004, the FCC issued an Order granting a limited waiver of the wireline-to-wireless porting requirement. This waiver applies to "Two Percent Carriers operating within the top 100 MSAs that had not received a request for local number porting from either a wireline carrier prior to May 24, 2003, or a wireless carrier that has a point of interconnection or numbering resources in the rate center where the customer's wireline number is provisioned (Covered Carriers)."² Under this waiver, carriers have until May 24, 2004, to provide local number portability.

On December 11, 2003, the Tennessee Coalition filed its *Petition* with the Authority requesting a suspension of the FCC's *Order* stating that it is technically infeasible for the Company to comply with the FCC *Order* by November 24, 2003. The Tennessee Coalition further states that the provision of number portability in the areas served by its members will have a significant adverse economic impact on telecommunications users and that the imposition of this requirement is economically burdensome.

On January 30, 2004, the Consumer Advocate and Protection Division of the Tennessee Attorney General's Office ("Consumer Advocate") filed a petition to intervene in this docket. Nextel Communications, Inc. filed an opposition to the *Petition* on February 17, 2004, urging the TRA to deny the *Petition* and require the Tennessee Coalition to proceed

¹ See *In the Matter of Telephone Number Portability*, FCC 03-284 (*Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*) 2003 WL 22658207, ¶ 22 (November 10, 2003)

² See *In the Matter of Telephone Number Portability*, 2004 WL 67527, FCC 04-12 (*Order, CC Docket 95-116*), ¶ 1 (January 16, 2004). Two Percent Carriers are defined as carriers that are servicing less than two percent of the nation's access lines in the aggregate. Hearing Officer to determine whether to accept the arbitrations and to otherwise begin with a procedural schedule to prepare these arbitrations for arbitration itself. *id*

with local number portability implementation. On February 23, 2004, AT&T Wireless Services, Inc. filed comments opposing the *Petition* and asking the Authority to require the Tennessee Coalition to provide specific information regarding the request of each individual company.

During the February 23, 2004 Authority Conference, in response to questions from the panel, counsel for the Tennessee Coalition acknowledged that the request in the *Petition* is two-fold in that it seeks a suspension at this time pending the outcome of a proceeding in which the Authority will hear evidence regarding suspending the requirements of the FCC *Order*. After noting that the FCC requires that requests for suspensions be addressed on a company by company basis and that the Tennessee Coalition's *Petition* does not specify the relief being sought by the individual companies represented by the Tennessee Coalition, the panel voted unanimously to require the Tennessee Coalition to amend its *Petition* to show the basis for and the nature of the relief sought by each company.

The panel also voted unanimously to appoint the Authority's General Counsel or his designee as the Hearing Officer to review the *Petition*, as amended, hear preliminary matters prior to the Hearing, rule on any petition(s) for intervention and prepare the docket for hearing.

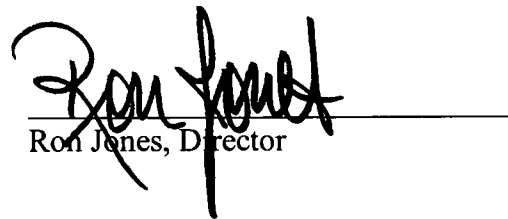
IT IS THEREFORE ORDERED THAT:

1. The Tennessee Coalition of Rural Incumbent Telephone Companies and Cooperatives shall amend its *Petition for Suspension* and include specific relief for each company.
2. The Consumer Advocate is directed to refile any opposition or intervention based upon the amended *Petition*

3. The Authority's General Counsel or his designee is appointed Hearing Officer in this matter to hear preliminary matters prior to the Hearing, to rule on any petition(s) for intervention and to prepare the docket for hearing.


Deborah Taylor Tate, Chairman


Sara Kyle, Director


Ron Jones, Director